

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

INTERNATIONAL CODE COUNCIL, INC.,

Plaintiff,

v.

Civil Action No.: 1:17-cv-6261-VM-DCF

UPCODES, INC.;
GARRETT REYNOLDS; and
SCOTT REYNOLDS,

Defendants.

INTERNATIONAL CODE COUNCIL, INC.,

Plaintiff,

v.

Civil Action No.: 1:20-cv-4316-VM-DCF

UPCODES, INC.;
GARRETT REYNOLDS; and
SCOTT REYNOLDS,

Defendants.

NOTICE OF APPEAL

Notice is hereby given that Plaintiff International Code Council, Inc. (“ICC”) hereby appeals to the United States Court of Appeals for the Second Circuit from the final judgment and order entered on March 1, 2021, which construed a pre-motion letter filed by Defendants UpCodes, Inc., Garrett Reynolds, and Scott Reynolds as a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6) and granted full dismissal of ICC’s false advertising action, Case No. 20-cv-4316, denying all relief in that action. *See* March 1, 2021 Order, entered as docket entry no. 113 in Case No. 17-cv-6261 and docket entry no. 14 in Case No. 20-cv-4316.

Dated: March 30, 2021

MORGAN, LEWIS & BOCKIUS LLP

/s/ J. Kevin Fee

J. Kevin Fee

James Hamilton (admitted pro hac vice)

Jane W. Wise (admitted pro hac vice)

1111 Pennsylvania Avenue, NW

Washington, DC 20004-2541

Phone: 202-739-5353

Facsimile: 202-739-3001

kevin.fee@morganlewis.com

james.hamilton@morganlewis.com

jane.wise@morganlewis.com

Counsel for International Code Council, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on March 30, 2021, the foregoing Notice of Appeal was filed with the clerk of this Court and served on counsel of record *via* email, including:

Joseph C. Gratz (*Pro Hac Vice*)
Ragesh Kumar Tangri (*Pro Hac Vice*)
Catherine Y. Kim (*Pro Hac Vice*)
Eugene Novikov (*Pro Hac Vice*)
217 Leidesdorff Street
San Francisco, CA 94111
Phone: (415) 362-6666
Facsimile: (415) 236-6300
jgratz@durietangri.com
rtangri@durietangri.com
ckim@durietangri.com
enovikov@durietangri.com
Counsel for Defendants

/s/ *Jane W. Wise* _____
Jane W. Wise